

Notices of Final Rulemaking

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Arizona State Board of Nursing (Board) is amending R4-19-311 for the sole purpose of updating the incorporation by reference from the 2008 version of model nurse licensure compact rules to the 2012 updated version of model nurse licensure compact rules. Adopting this latest version of the model rules is a condition of compact participation, which allows interstate mobility of nurses between Arizona and 23 other states. The sole change between the previous version of the model rules (2008) and the current version (2012) is that the current version extends the time a person who moves between compact party states may practice on the former home state compact license from 30 days to 90 days. This will be of benefit to nurses who change their residence to Arizona from another party state.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

There were no relevant studies that were either relied upon or not relied upon in the Board's justification for this rule.

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The proposed amendment to Section R4-19-311 is not expected to have a negative economic impact on any regulated entity, the Board, or small businesses. The Arizona State Board of Nursing licenses approximately 75,000 registered nurses and 11,000 practical nurses. Of these nurses, approximately 72,000 hold compact RN or LPN licenses and approximately 11,000 hold single state only licenses. Amending this rule will allow Arizona to remain in the Nurse Licensure Compact with 23 other states. The compact allows nurses residing in Arizona who hold a compact license to practice in all compact states. Failure to amend this rule could result in loss of this privilege and subsequent economic harm to nurses. This rulemaking is actually less burdensome than the rule it is replacing because it allows nurses, who change their home state of residence from one compact party state to Arizona, an additional 60 days to practice on the former compact license before having to obtain an Arizona license. This is expected to be of economic benefit to the licensee by extending the grace period for obtaining a license. This rulemaking will also benefit the Board by reducing investigations of nurses who do not seek licensure in Arizona within 30 days of moving from a compact party state.

10. A description of any changes between the proposed rulemaking, to include supplemental notices and the final rulemaking:

Minor grammatical and formatting changes were made at the request of GRRC staff.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Board held an oral proceeding on July 2 at 4:00 pm in the Board offices at 4747 N. 7th St., STE 200, Phoenix, AZ 85014. There were no persons in attendance other than Board staff. The Board did not receive any written comments on this rulemaking. The comment period closed on July 2, 2013, at 5:00 pm.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable to the Board or this specific class of rules.

a. Whether the rules require a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

This rulemaking does not require a permit however this Section relates to the issuance of a multi-state license which can be considered a general permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rules is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Federal law is not applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The material incorporated by reference is the "Nurse Licensure Compact Model Rules and Regulations for RNs and LPN/VNs" as amended November 13, 2012, by National Council of State Boards of Nursing (NCSBN), 111 E. Wacker Drive, STE 2900, Chicago, IL 60601 and is available at the Board offices. Copies may be obtained by contacting the person named in item 5. This incorporation by reference is contained in R4-19-311.

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14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

This rule was never made, amended or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 3. LICENSURE

Section

R4-19-311. Nurse Licensure Compact

ARTICLE 3. LICENSURE

R4-19-311. Nurse Licensure Compact

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the Nurse Licensure Compact Model Rules and Regulations for RNs and LPN/VNs, published by the National Council of State Boards of Nursing, Inc., 111 E. Wacker Dr., Suite 2900, Chicago, IL 60601, ~~www.ncsbn.org, August 4, 2008~~ November 13, 2012, and no later amendments or editions, which is incorporated by reference and on file with the Board.